

May 8, 2024

VIA ECF

Hon. Paul A. Engelmayer
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square, Room 2201
New York, New York 10007

RE: *Underwood, et al. v. Coinbase Global, Inc., et al.*,
No. 1:21-cv-08353-PAE (S.D.N.Y.)

Dear Judge Engelmayer:

The parties write jointly pursuant to Your Honor's May 1, 2024 Order directing the parties to meet and confer and submit a joint letter proposing next steps in this case following the Second Circuit's decision and mandate (ECF 77). The parties have done so and propose the following schedule.

As the Court may recall, Defendants sought dismissal of all claims on multiple grounds, but the Court did not reach all of those arguments in its February 1, 2023 Order. Rather than renew their motion to dismiss under Federal Rule of Civil Procedure 12(b)(6), Defendants believe that it would be more efficient to answer the allegations of the Amended Complaint (other than those relating to claims under the Securities Exchange Act of 1934) (ECF 43) and file a motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c).¹

The parties jointly propose the following deadlines:

- Defendants' answer shall be filed on Thursday, June 27, 2024;²
- Defendants' motion for judgment on the pleadings shall be filed on

¹ Although the Amended Complaint asserted claims under the Securities Exchange Act of 1934, the Second Circuit affirmed this Court's dismissal with prejudice of those claims.

² The Amended Complaint is 255 pages and contains 1,108 paragraphs. There have been no prior requests for an extension of the deadline to answer the Amended Complaint.

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Monday, July 29, 2024;

- Plaintiffs' opposition brief shall be filed on Friday, September 27, 2024; and
- Defendants' reply in further support of their motion for judgment on the pleadings shall be filed on Monday, October 28, 2024.

Under the Private Securities Litigation Reform Act, discovery will remain stayed pending the Court's resolution of the motion for judgment on the pleadings unless the Court finds upon the motion of any party that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party. Within 14 days of the Court's resolution of the motion for judgment on the pleadings, in the event that one or more of Plaintiffs' claims survive, the parties shall meet and confer pursuant to Federal Rule of Civil Procedure 26(f) regarding a discovery schedule.

Respectfully submitted,

/s/ Jordan A. Goldstein

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